

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In the Matter	:	Chapter 7
	:	Case No. 21-10699 (DSJ)
-of-	:	
	:	
KOSSOFF PLLC,	:	
	:	
Debtor.	:	
	:	
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**ORDER ENFORCING AUTOMATIC STAY AND DIRECTING
MITCHELL H. KOSSOFF AND TENANTRACERS, LLC PROVIDE
THE TRUSTEE WITH ACCESS TO THE FIFTH FLOOR
PREMISES TO INSPECT AND TAKE POSSESSION
OF PROPERTY OF THE ESTATE**

Upon the application, dated June 18, 2021 (the “Application”)¹ of Albert Togut, not individually but solely in his capacity as the Chapter 7 Interim Trustee (the “Trustee”) in the above-captioned case, by his attorneys, Togut, Segal & Segal LLP (the “Togut Firm”), for an order: (i) directing Mitchell H. Kossoff (“Kossoff”) and Tenantracers, LLC (“Tenantracers”) to immediately allow the Trustee and his representatives access to the Fifth Floor Premises so that they can inspect its contents; and (b) prohibiting Kossoff and Tenantracers from exercising control of, or withholding possession of, the Relevant Materials located at the Fifth Floor Premises; and it appearing that good and sufficient notice of the Application having been given by the Trustee, such that no further or additional notice as required; and the Court having found that the relief requested in the Application is in the best interests of the Debtor’s estate, its creditors and all parties in interest; and the Court having found that the legal and factual bases set forth in the Application establish just cause for the relief granted herein; and upon the record

¹ Capitalized terms not defined herein shall have the meanings ascribed in the Application.

of all of the prior pleadings and proceedings had herein; and after due deliberation, the Court having concluded that good and sufficient cause for the relief sought in the Application exists, it is hereby:

ORDERED, that the Application is granted to the extent provided for herein; and it is further

ORDERED, that Kossoff and Tenantracers shall, upon not less than 24 hours prior written notice by the Trustee (each, a “Written Notice”), provide the Trustee and his representatives with access to the Fifth Floor Premises for inspection, copying and collection of the Books and Records and the Relevant Materials; and it is further

ORDERED, that for cause shown in the Application, the Debtor, Kossoff, Tenantracers and all other persons other than the Trustee are prohibited from withholding access to, and possession from, the Trustee of any Relevant Materials located in the Fifth Floor Premises absent prior written consent by the Trustee or an Order of this Court obtained on prior written notice to the Trustee and such other parties as may be directed by the Court and an opportunity to be heard; and it is further

ORDERED, that the Landlord and the Landlord’s agents and representatives are authorized, but not required, to assist the Trustee to gain access to the Fifth Floor Premises as authorized by this Order, and the Landlord shall not be liable to Kossoff, Tenantracers, or any other party on account of or arising from such assistance; and it is further

ORDERED, that the Trustee is authorized, but not directed, to remove all or a portion of the Relevant Materials from the Fifth Floor Premises or to otherwise safeguard it in such manner as he may determine; and it is further

ORDERED, that compliance with this Order need not be compelled by the issuance and service of one or more subpoenas pursuant to Federal Rule of Civil Procedure 45 and Bankruptcy Rules 2004(c) and 9016; and it is further

ORDERED, that the Trustee shall serve a copy of this Order with any Written Notice that he issues pursuant to this Order; and it is further

ORDERED, that the Court retains exclusive jurisdiction to hear and determine any and all matters arising from the interpretation and/or implementation of this Order.

Dated: New York, New York
July 12, 2021

s/ David S. Jones
HONORABLE DAVID S. JONES
UNITED STATES BANKRUPTCY JUDGE